IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 13TH JULY 2006 / 22ND ASHADHA,1928

Bail Appl..No. 4161 of 2006

(CRIME NO.438/2006 OF KASARGODE POLICE STATION)

PETITIONER/ACCUSED

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1. P.V.RAMAKRISHNAN, AGED 50 YEARS,
   S/O.LATE BAMBAN, PALAKKUNNU HOUSE,
   P.O.UDMA.

2. MUHAMMED HASHING, AGED 30 YEARS,
   S/O.ABDULLA, HAFIYA HOUSE, P.O.BEKAL.

3. PUSHPA NARAYANAN.T.K,
   AGED 40 YEARS, D/O.KARUVAN, PALLAM.P.O,
   UDMA.

BY ADV. SRI.M.SANTHOSHKUMAR

RESPONDENTS: COMPLAINANT

S.I. OF POLICE,
KASARAGOD POLICE STATION,
IN CRIME NO.438 OF 2006, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4161/2006

DATED THIS THE 13TH DAY OF JULY, 2006

O R D E R

The petitioners 1 to 3 are the accused 4, 5 and 6, in crime No.438/2006 of Kasargode Police station, in which, they along with others are alleged to have committed the offence punishable under Sections 384 and 120(b) IPC. It is alleged that on 25.5.2006, the first accused made a telephone call from Sharja, informing the defacto complainant, that her son, Mehaboob, was involved in a road traffic accident and therefore, to meet the damages, he had caused the complainant and has to pay Rs 6,00,000/-. However, consequent on the threat, over the telephone, and demand made by the petitioners, an amount of rupees two lakhs had been extorted from the defacto complainant. The defacto complainant, the mother of Mehaboob, made a complaint and a crime had been registered as above. The petitioners are before this Court, under Section 438 Cr.P.C.

2. Heard both sides. After appreciating the facts that are placed before me, and on going through the C.D.file, including the fact that the accused 1 and 2 had

already been interrogated and released on bail, I direct the petitioners to surrender before the investigating officer of Kasargode Police Station, on 20.7.2006 between 10.00 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioners, accused, 4, 5 and 6, and thereafter, produce them before the Judicial Magistrate of First Class, Kasargode, as per the law. I make it clear that if the investigating officer needs the petitioner for continued interrogation, in excess of the period permitted by law, he is free to move an application before the Court below, in which event, the learned Magistrate shall hear both sides and pass orders. If on the other hand the petitioners move an application for bail, the learned Magistrate shall also hear the same along with other application, if any, filed by the prosecution, and pass orders on merit. If the bail application is filed by the petitioners after serving copy of the same to the APP, well in advance, an order shall be passed on the bail application, on the same day itself.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs